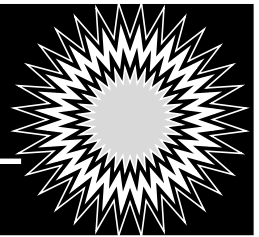


Ethics News

Newsletter of the Indiana State Ethics Commission



Issue No. 21

May 2001

Public Hearing Results in Sanctions

A former vocational rehabilitation counselor was found in violation of ethics rules 40 IAC 2-1-6(a) and 40 IAC 2-1-9(g) when he engaged in sexual activity with a client.

As a counselor in the Vocational Rehabilitation Office (VR) of the Division of Disability, Aging and Rehabilitation Services of Family and Social Services Administration (FSSA), the former counselor was responsible for coordinating all his client's VR services and progress. He also had authority to assess his client's readiness for employment and assist in his replacement.

While assigned as the client's counselor during 1998 and 1999, the former counselor met with his client multiple times, both at the VR office and at the client's home. (The home visits occurred on state time.)

On August 20, 1999, at a VR meeting in which the former counselor participated, it was decided that no further services would be extended to the client except for payments of his consulting therapy.

On two separate occasions, one before the August 20th

meeting and one after, the client reported to his therapist incidents of sexual behavior on the part of the former counselor. The client stated that he had complied with the requests of the former counselor because he believed the former counselor could help him find employment through his position with VR.

On September 20, 1999, the former counselor was placed on emergency suspension by his superiors at VR as a result of the client's complaints. In November 1999, a pre-deprivation hearing was held and effective December 22, 1999, the counselor's employment with the State of Indiana was terminated.

On November 18, 1999, the State Ethics Commission initiated an investigation into the matter of the former counselor and a public hearing was held August 21, 2000.

Members of the Commission heard testimony from both parties and concluded that the testimony of the client was more credible than that of the former counselor. In addition, results of DNA analysis conducted by the State Police

supported the client's testimony.

In finding the former counselor in violation of the above mentioned ethics rules, the Commission imposed a ten thousand dollar sanction and barred the former counselor

Inside

- Public Hearing ... Page 1
- Training Page 1
- What's New? Page 3
- Text of Rules Page 3
- Fall Classes Page 4
- Thank You! Page 4

from entering into a contract with any State of Indiana agency, including employment, for the maximum period allowable.

In addition to his termination as a state employee, the Commission recommended to FSSA that a copy of the Commission's report be permanently maintained in the former counselor's personnel file. The former counselor is appealing the Commission's decision.



Ethics Training: Whose Responsibility?

An employee leaves state government nine months after her date of hire. She joins Company XYZ which is under contract with her agency. Up until the time she left her state job, the former employee had responsibility for overseeing XYZ's contract. In less than a month after changing jobs, the former employee is advising Company XYZ on the same state contract.

When the former employee is charged with violating the post-employment restriction which prohibits a former employee who worked personally and substantially on a particular matter (i.e. a contract) from representing or assisting a person on that particular matter for 12 months, the former employee claims she knew of no such ethics law.

Upon further investigation by the State Ethics Commission, it is determined that the former employee was never offered ethics training by her state agency.

See, *Ethics Training*, page 2

Attorney Sanctioned for Misuse

An attorney with Indiana Family and Social Services Administration (FSSA) was given a three week suspension from regular state duty without pay for violating 40 IAC 2-1-9(f) and (g). In an agreed settlement approved by the Commission on December 14, 2000, the attorney admitted to using a state computer, Internet privileges, and printer for purposes other than official state business. The attorney also admitted to engaging in work other than



that of his official state duties during working hours.

Prior to the Commission's investigation initiated June 8, 2000, the attorney had received two written reprimands from his agency. One ordered the attorney to clear all non-FSSA materials from his computer by the close of business on February 27, 1998.

The second reprimand concerned another instance of unauthorized use of state equipment connected with outside legal work conducted by the attorney. Issued in lieu of suspension, this reprimand warned the attorney of more severe disciplinary action should another offense occur.

During the course of the Commission's investigation, a review of the attorney's office computer directories and e-mail for nonofficial documents was conducted. Computer directories and files examined by Commission staff established that the attorney worked on letters, pleadings, and briefs related to his outside legal employment.

The review also revealed that the attorney had worked on resumes and letters concerning prospective employment. The attorney had saved and accessed computer games and files of personal interests on his state issued computer.

The attorney's agency e-mail address was used to transmit and receive messages concerning personal matters unrelated to official state business.

In addition to the suspension, the attorney agreed:

1) not to use agency equipment, including his state issued computer, floppy disks and office printers, for outside legal work, or other business activity, under any circumstances; and

2) to remove any and all downloaded computer games and/or game demos from his state issued computer.

Violation of the agreement or further violation of ethics rules by the attorney is grounds for additional sanctions by either FSSA or the State Ethics Commission.

Ethics News

Issue No. 21

May 2001

Published by the
Indiana State Ethics Commission
402 W. Washington St.
Rm. W189
Indianapolis, IN 46204

(317) 232-3850
Fax: (317) 232-0707
E-mail: ethics@ethics.state.in.us

David Maidenberg
Director
Mary C. Hill
Editor
Wendy Stone Messer
Attorney

Ethics Training

continued from page one

What went wrong? Does the former employee bear the sole responsibility of not knowing the ethics rules? Or did her former agency fail in its responsibility to provide ethics training to all of its employees?

The short answer is, "both parties failed to meet their responsibilities." And both parties suffered the consequences. The employee faced being sanctioned and the

agency had to deal with an embarrassing situation.

So what should an employee do to become aware of ethics rules and laws? Inquire within your agency as to your options. Agencies are asked to give new employees ethics orientation which includes receiving a copy of the rules and viewing a video. Some agencies prefer to send employees to classes offered by the Ethics Commission. These classes are open to all state

employees. (See, *Ethics Classes Open*, page 4.)

Upon request, the Commission provides specialized training for agencies and their field offices.

So far this year, the Attorney General's Office, the Bureau of Motor Vehicles, the Department of Commerce, and the Department of Labor, have requested and received ethics training by the Commission.



From Jerra Hood, IT Training Consultant:

The only thing worse than training good employees and losing them is NOT training your employees and keeping them. - Zig Zigler

What's New on the Web?

The Trainer's Corner: Allows ethics trainers easy access to training information such as current class registration and past attendance files. With a click of the mouse, trainers may register employees or file quarterly reports on-line. If you are an ethics trainer, and have not received your password for this site, please call Mary Hill at (317) 232-3850.

A Guide to Indiana State Ethics Laws: The "blue books," which state employees have received in the past, have been combined into one **"Blue Book"** containing ethics rules and laws. Employees may find the book at our web site and agencies may purchase copies from EPIC. The "blue book" will be available when EPIC depletes its stock of the "blue books."

Visit our Web site at:
www.ethics.IN.gov

Case of Ethics Still On-Line

Since its addition to the Commission's Web site in September 2000, *A Case of Ethics* has attracted more than eight hundred players.

The interactive game challenges players to resolve ethics situations based on ethics rules. Each week a list of the ten highest scoring players is posted.

State employees are encouraged to test their knowledge of the State ethics rules by visiting the Ethics Commission's Web site at www.ethics.IN.gov.

Text of 40 IAC 2-1-6 (a) Gifts, Gratuities, Favors etc.

Sec. 6. (a) A state employee or the spouse or unemancipated child of a state employee shall not solicit, accept, or receive, nor shall a donor offer, directly or indirectly, any gift, favor, service, entertainment, food, or drink, under circumstances in which it can reasonably be inferred that the thing of value would influence the employee to give special consideration to an action by such employee in his official capacity. This section does not pro-

hibit normal gift-giving from relatives of gifts with an aggregate value of less than two hundred fifty dollars (\$250) or political contributions subject to IC 3-9-2 which are reported in accordance with applicable law. In addition, this section does not prohibit contributions which are accepted by an agency in accordance with applicable law. This section may be waived by the state ethics commission for a legitimate public purpose.

The Indiana State Ethics Commission does not discriminate on the basis of disability in regard to ADA requirements. All printed materials will be made available in big print, braille or on audio cassette, upon request.

Text of Rules Cited in Cases of Misuse

40 IAC 2-1-9

(f) A state officer or employee shall not make use of state materials, funds, property, personnel, facilities, or equipment for any purpose other than for official state business unless the use is expressly permitted by general written agency, departmental, or institutional policy or regulation, considering the cost and the benefit by such use.

(g) A state officer or employee shall not engage in, or direct others to engage in work other than the performance of official duties during working hours, except as permitted by general written agency, departmental, or institutional policy or regulation.



Printed on Recycled Paper (Paper content: 100% recycled; 30% post consumer)



Thank You!

to the following contact persons who provide employees leaving state government with the ethics guide to post-employment restrictions.

Adjutant General
Carolyn Bullock

Animal Bd. of Health
Gary Haynes

Auditor's Office
Steve Weaver

Bond Bank
Ron Mangus

Budget Agency
Susan Rider

BMV
Gayl Hoban

Commerce
Cindy Hiland

Community Service
Kimberly Pierce

CJI
Scarlett Siefert

DOC
Jounice Hensel

DOE
Cathy McMasters

DNR
John Tryon

DPOC
Jan Griffith

DWD
Joyce Howard

Environmental Adjud.
Wayne Penrod

FSSA
C. Faye Muegge

Financial Institutions
Janice Davis

Jill Wulf
Gaming Commission

Planning Council
Chun Liu

Governor's Office
Carla McIntire

Dept. of Health
Bert Harvey

HPB
Jeanette Roberts

Higher Education
Diane Montgomery

Historical Bureau
Judy Rippel

HRIC
Char Roller

IDEM
Shelly Harding

ITFA
Susan Rehfeldt

IURC
Ja-Deen Johnson

Labor
Dol Watkins

LEA
Charles Braun

Port Commission
Angela McDonald

Proprietary Ed.
Jodi White

P & A
David Boes

Revenue
Elizabeth Foga

SSACI
Yvonne Heflin

Secretary of State
Marilyn Pfisterer

SEMA
Dottie Hobbs

State Library
Barney McEwen

Susan Williams
Office Bldg. Comm.

SPD
Allen J. Aitken

Tax Commissioners
Pam King

Treasurer's Office
Jennifer Burres

Veterans' Affairs
Stephen V. Steed

Workers Comp.
Darren Dye

DOC FACILITIES:

Chain O'Lakes
Connie Miller

Henryville
Joy Albert

Indpls. Juvenile
Nancy Shockley

Pendleton
Tommie Hunt

Atterbury
Terri Mitchell

Bloomington Juvenile
Ellyn Hall

Branchville
Susan Stiles

Plainfield Juvenile
Brenda Stewart

Plainfield
Janet Breedlove

Women's Work Release
Eileen Hooten

Edinburg
Christopher Skene

Lakeside
Christie Scott

Medaryville
Cathy Elston

RDC
Evelyn Browning

Rockville
Judith K. Bishop

South Bend Juvenile
Debi Kelsheimer

So. Bend Wk. Release
Becky Stahl

Camp Summit
Rhonda Moser

Westville Correctional
Linda Morris

Westville
Edward Bruemmer

Wabash Valley
Joyce Woods

Logansport
Melissa J. Hardy

Madison
Deia Pittman

Ethics Classes Open

Ethics Orientation
(10:00 - 11:00 a.m.)
Sept. 11 and Oct. 16

Ethics for Supervisors
(10:00 - 12:00 p.m.)
Sept. 12 and Oct. 17

Ethics for Managers
(10:00 - 12:30 p.m.)
Sept. 19 and Oct. 24

Classes are in the State Conference Center (CC), or Training Center (TC), Indiana Government Center South, 402 W. Washington St., Indianapolis, IN

Please check directory for room location.

To register, call (317) 232-3850 or visit our Web site at www.ethics.IN.gov